

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
05 MAY 11 PM 4:32

EDWARD JOHNSON,

Petitioner,

vs.

TONY PARKER,

Respondent.

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X

No. 04-3032-M1/P

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS
AND
ORDER DIRECTING PETITIONER TO PAY THE HABEAS FILING FEE


Petitioner Edward Johnson, Tennessee Department of Correction prisoner number 165254, an inmate at the Northwest Correctional Complex ("NWCX") in Tiptonville, Tennessee, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on December 20, 2004,¹ along with an application seeking leave to proceed in forma pauperis. The documentation supplied with the Petitioner's in forma pauperis application contains two certifications by the inmate trust fund officer that differ markedly with respect to the balance of the prisoner's trust fund account. On the basis of the balance of Johnson's account on December 16, 2004, four days prior to the filing of this petition,

¹ Although Johnson also purports to invoke 28 U.S.C. § 2255, that provision is inapplicable because Johnson is challenging only state sentences.

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and of the information supplied by the trust fund officer concerning average monthly deposits, the motion to proceed in forma pauperis is DENIED. Petitioner is ORDERED to remit the five dollar (\$5.00) habeas filing fee within thirty (30) days of the date of entry of this order. Failure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute.

IT IS SO ORDERED this 11 day of May, 2005.


JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 2:04-CV-03032 was distributed by fax, mail, or direct printing on May 16, 2005 to the parties listed.

Edward Johnson
NORTHWEST CORRECTIONAL COMPLEX
165254
960 State Route 212
Tiptonville, TN 38079

Honorable Jon McCalla
US DISTRICT COURT